

BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD

IN THE MATTER OF:

GLJT CORPORATION
d/b/a MR G'S BAR & GRILL
18115 E CORBIN PL
GREENACRES, WA 99016-9518

LICENSEE

LICENSE NO. 350210

LCB NO. 22,857

OAH NO. 2008-LCB-0042

FINAL ORDER OF THE BOARD

The above entitled matter coming on regularly before the Board, and it appearing:

1. That an administrative violation was issued on July 16, 2008 to the Licensee who subsequently requested a hearing on the matter.
2. That the Board issued a Complaint on September 10, 2008 charging that:

On or about July 13, 2008 the above-named Licensee or an employee thereof was apparently intoxicated on the licensed premises in violation of WAC 314-11-015(3)(a).
3. That a telephonic prehearing conference was held on December 4, 2008 with the parties.
4. That the Licensee failed to appear for the hearing held by telephonic conference on February 3rd, 2009.
5. That on February 5th, 2009 Administrative Law Judge Edward S. Steinmetz entered an Initial Order of Default.
6. That on February 13th, 2009 the Office of Administrative Hearings received a motion seeking to vacate the Initial Order of Default from Gregg Phillips, president of the Licensee's corporation.

7. That on March 13th, 2009 the Enforcement Division submitted a Motion to Sustain the Initial Order in response to Mr. Phillip's motion.
8. That on April 8th, 2009 Administrative Law Judge Edward S. Steinmetz entered his Order Affirming Initial Order of Default;
9. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises;

NOW THEREFORE; IT IS HEREBY ORDERED that that the Administrative Law Judge's Conclusions of Law and Order of Default heretofore made and entered in this matter be, and the same hereby are, AFFIRMED and adopted as the Conclusions of Law and Final Order of the Board and that the liquor license privileges granted to GLJT Corporation d/b/a Mr. G's Bar & Grill, License Number 350210, at 18115 E Corbin Place in Greenacres, Washington are hereby suspended for a term of five (5) days. In lieu of a license suspension, the Licensee may pay a monetary penalty in the amount of five-hundred dollars (\$500) due within 30 days of this order. If timely payment is not received, suspension will take place from 10:00 a.m. on August 7, 2009 until 10:00 a.m. on August 12, 2009. Failure to comply with the terms of this order will result in further disciplinary action.

Payment in reference to this order should be sent to:

Washington State Liquor Control Board

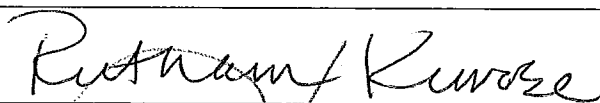
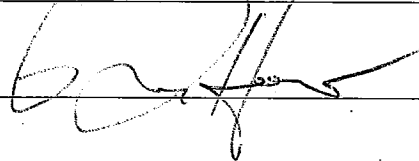
Enforcement and Education Division

PO Box 43085

Olympia, WA 98504-3085

DATED at Olympia, Washington this 30th day of June, 2009.

WASHINGTON STATE LIQUOR CONTROL BOARD

Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Washington State Liquor Control Board, Attn: Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA 98504-3076, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board's office. RCW 34.05.010(6). A copy shall also be sent to Martha P. Lantz, Assistant Attorney General, 1125 Washington St. SE, P.O. Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Board has determined not to consider a petition to stay the

effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

MAILED

FEB 05 2009

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD

Office of Administrative Hearings
Spokane

IN THE MATTER OF THE HEARING OF:

GLJT Corporation
Greg Phillips, President
d/b/a Mr. G's Bar & Grill

LICENSEE

LICENSE NO. 350210

Docket No. 2008-LCB-0042
Case No. 22,857

INITIAL ORDER OF DEFAULT

STATEMENT OF THE CASE

1. On July 16, 2008, the Washington State Liquor Control Board (Board) issued an Administrative Violation Notice to GLJT Corporation, d/b/a Mr. G's Bar & Grill, with a physical address of 18115 E. Corbin Place, Greenacres, Washington. The basis of the Administrative Violation Notice was the Board's position that the Licensee, Mr. G's Bar & Grill, had violated the provisions of WAC 314-11-015(3) by allowing disorderly conduct on the premises. Specifically, that the Licensee, Mr. Gregg Phillips, had been intoxicated on the licensed premises. The Licensee subsequently submitted a request for a formal administrative hearing in this matter.

2. On September 10, 2008, the Board issued a formal Complaint in which the Board alleged that on or about July 13, 2008, the Licensee, or an employee thereof, was apparently intoxicated on the licensed premises in violation of WAC 314-11-015(3)(a).

3. A telephonic prehearing conference was convened in this matter before the undersigned Administrative Law Judge on December 4, 2008. The Board's Enforcement

Division was present and represented at that prehearing conference by Gordon Karg, Assistant Attorney General. The Licensee appeared and was represented by Gregg Phillips, president of the Licensee's corporation. At this prehearing conference, the Board's representative stated that the issue to be presented at hearing was whether or not the Licensee had in fact violated the provisions of WAC 314-11-015(3)(a) by allowing the Licensee to be on the licensed premises while in an apparently intoxicated condition. The Board's counsel advised that the Board would be seeking the standard penalty in this matter of a five-day suspension of the Licensee's liquor license, or in lieu thereof, a civil monetary penalty in the amount of \$500.00. Proposed hearing dates were discussed, and it was ultimately agreed by both parties that the administrative hearing would be set for February 3, 2009, and would commence at 9:00a.m.

4. Following the telephonic prehearing conference, the undersigned Administrative Law Judge issued a Prehearing Conference Order on December 9, 2008. This Prehearing Conference Order was mailed to the Board's representative and to Mr. Phillips at his known mailing address. This Prehearing Conference Order specifically advised:

"IT IS HEREBY ORDERED, that the administrative hearing in this matter shall be conducted by telephone conference, and shall commence at 9 a.m., on February 3, 2009. The parties shall register their appearance for this administrative hearing by calling the Office of Administrative Hearings ten (10) minutes before the scheduled hearing time at 509-456-3975 or 1-800-366-0955."

5. On February 3, 2009, the Board's Enforcement Division appeared through Gordon Karg, Assistant Attorney General. The Board's witnesses were also present by telephone conference, including Lt. Rob Reynolds of the Spokane Enforcement Office. The

Licensee did not call in as instructed for the scheduled hearing. While on the record, and at approximately 9:08 a.m., on the morning of February 3, the undersigned Administrative Law Judge attempted to telephone Mr. Phillips at the only known telephone number set forth in the hearing file. This phone rang approximately 10 times without answer at which point the attempted call was terminated.

6. The Board's counsel then moved for entry of an Order of Default on the basis that the Licensee had failed to call in and register his appearance as required under the terms of the Prehearing Conference Order. This motion was granted and the Board's witnesses were excused.

7. The undersigned finds no showing of good cause for the Licensee's failure to appear at the scheduled hearing at 9 a.m., on February 3, 2009.

BASED UPON THE FOREGOING, and pursuant to RCW 34.05.440,

INITIAL ORDER

IT IS HEREBY ORDERED, that GLJT Corporation and Gregg Phillips, President, d/b/a Mr. G's Bar & Grill, is in DEFAULT.

FURTHER ORDERED, that the Board's Complaint in this matter is SUSTAINED. On a date to be established by the Board's Final Order, the licensed privileges of GLJT Corporation and Gregg Phillips, President, d/b/a Mr. G's Bar & Grill, under License No. 350210, shall be suspended for a period of five (5) days. In lieu of a license suspension, the Licensee may pay a civil monetary penalty in the amount of five-hundred dollars (\$500.00).

Dated at Spokane, Washington this 5th day of February, 2009.

WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS



Edward S. Steinmetz
Administrative Law Judge
Office of Administrative Hearings
221 N. Wall St., Suite 540
Spokane, WA 99201-0826
Phone (Toll Free): 1-800-366-0955

NOTICE TO PARTIES: WITHIN SEVEN (7) DAYS AFTER NOTICE OF THIS DEFAULT ORDER, THE PARTY AGAINST WHOM IT IS ENTERED MAY FILE A WRITTEN MOTION REQUESTING THAT THE ORDER BE VACATED, AND STATING THE GROUNDS RELIED UPON. RCW 34.05.440(3).

Initial Order of Default Mailed to:

GLJT Corporation
(Gregg Phillips, President)
dba Mr. G's Bar & Grill
701 S Felts Road
Spokane Valley, WA 99206

Gordon Karg
Assistant Attorney General
Office of the Attorney General
1125 Washington Street SE
MS 40100
Olympia, WA 98504-0100

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD

MAILED

APR 08 2009

Office of Administrative Hearings
Spokane

MAILED

APR 08 2009

Office of Administrative Hearings
Spokane

IN THE MATTER OF THE HEARING OF:

GLJT Corporation
Greg Phillips, President
d/b/a Mr. G's Bar & Grill

Docket No. 2008-LCB-0042
Case No. 22,857

LICENSEE

**ORDER AFFIRMING INITIAL
ORDER OF DEFAULT**

RECEIVED

LICENSE NO. 350210

JUN 24 2009

STATEMENT OF THE CASE

**LIQUOR CONTROL BOARD
BOARD ADMINISTRATION**

1. On July 16, 2008, the Washington State Liquor Control Board (Board) issued an Administrative Violation Notice to GLJT Corporation, d/b/a Mr. G's Bar & Grill, with a physical address of 18115 E. Corbin Place, Greenacres, Washington. The basis of the Administrative Violation Notice was the Board's position that the Licensee, Mr. G's Bar & Grill, had violated the provisions of WAC 314-11-015(3) by allowing disorderly conduct on the premises. Specifically, that the Licensee, Mr. Gregg Phillips, had been intoxicated on the licensed premises. The Licensee subsequently submitted a request for a formal administrative hearing in this matter.

2. On September 10, 2008, the Board issued a formal Complaint in which the Board alleged that on or about July 13, 2008, the Licensee, or an employee thereof, was apparently intoxicated on the licensed premises in violation of WAC 314-11-015(3)(a).

3. A telephonic prehearing conference was convened in this matter before the undersigned Administrative Law Judge on December 4, 2008. The Board's Enforcement

Division was present and represented at that prehearing conference by Gordon Karg, Assistant Attorney General. The Licensee appeared and was represented by Gregg Phillips, president of the Licensee's corporation. Mr. Phillips had appeared for this prehearing conference by calling the Office of Administrative Hearings prior to the start of the scheduled prehearing conference and providing a telephone number where he could be reached for the prehearing conference. At this prehearing conference, the Board's representative stated that the issue to be presented at hearing was whether or not the Licensee had in fact violated the provisions of WAC 314-11-015(3)(a) by allowing the Licensee to be on the licensed premises while in an apparently intoxicated condition. The Board's counsel advised that the Board would be seeking the standard penalty in this matter of a five-day suspension of the Licensee's liquor license, or in lieu thereof, a civil monetary penalty in the amount of \$500.00. Proposed hearing dates were discussed, and it was ultimately agreed by both parties that the administrative hearing would be set for February 3, 2009, and would commence at 9:00a.m.

4. Following the telephonic prehearing conference, the undersigned Administrative Law Judge issued a Prehearing Conference Order on December 9, 2008. This Prehearing Conference Order was mailed to the Board's representative and to Mr. Phillips at his known mailing address. This Prehearing Conference Order specifically advised:

"IT IS HEREBY ORDERED, that the administrative hearing in this matter shall be conducted by telephone conference, and shall commence at 9 a.m., on February 3, 2009. The parties shall register their appearance for this administrative hearing by calling the Office of Administrative Hearings ten (10) minutes before the scheduled hearing time at 509-456-3975 or 1-800-366-0955."

5. On February 3, 2009, the Board's Enforcement Division appeared through Gordon Karg, Assistant Attorney General. The Board's witnesses were also present by telephone conference, including Lt. Rob Reynolds of the Spokane Enforcement Office. The Licensee did not call in as instructed for the scheduled hearing. While on the record, and at approximately 9:08 a.m. on the morning of February 3, the undersigned Administrative Law Judge attempted to telephone Mr. Phillips at the only known telephone number set forth in the hearing file. This phone rang approximately 10 times without answer, at which point the attempted call was terminated.

6. The Board's counsel then moved for entry of an Order of Default on the basis that the Licensee had failed to call in and register his appearance as required under the terms of the Prehearing Conference Order. This motion was granted and the Board's witnesses were excused.

7. On February 5, 2009, the undersigned Administrative Law Judge issued an Initial Order of Default advising the parties that due to the Licensee's failure to appear at the February 3, 2009 hearing, good cause for the Licensee's failure to appear had not been shown and the Board's Complaint in this matter should be sustained. Copies of this Initial Order of Default were then mailed to the parties on February 5, 2009.

8. On February 13, 2009, the Office of Administrative Hearings received a written response from Gregg Phillips, president of the Licensee's corporation, seeking to vacate the Initial Order of Default. In his statement, Mr. Phillips alleges: "I never got a letter telling me to call 10 minutes early."

9. A note in the file maintained by staff of the Office of Administrative Hearings establishes that Mr. Phillips did in fact contact the Office of Administrative Hearings at 9:15 a.m. on February 3, 2009, asking why no one had called him for the hearing.

10. On March 13, 2009, the Board's Enforcement Division submitted a response to Mr. Phillip's motion to vacate the default order. In the Board's Enforcement Division's Motion to Sustain Initial Order, the Board's Enforcement Division points out that there was clear language set forth in the Prehearing Conference Order sent to the parties advising the parties of their obligation to contact the Office of Administrative Hearings 10 minutes prior to the start of the scheduled hearing on February 3, 2009. Two different telephone numbers for the Office of Administrative Hearings were also set forth in this Prehearing Conference Order. The undersigned finds that Mr. Phillips did in fact receive the Prehearing Conference Order because he was clearly aware of the hearing date, and was obviously aware of the hearing time.

CONCLUSIONS OF LAW

1. Pursuant to RCW 34.05.440(2), if a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. This is the basis of the undersigned's Initial Order of Default issued on February 5, 2009.

2. Pursuant to RCW 34.05.440(3), within seven (7) days after service of a default order under Subsection (2) of the statute, or such longer period as provided by agency rule,

the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

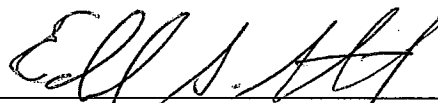
3. The facts in this case establish that the Licensee is asserting that the grounds which justify vacating the Initial Order of Default were that the Licensee never received notification telling them to call 10 minutes early. The Licensee is incorrect in this assertion. The Prehearing Conference Order issued by the undersigned Administrative Law Judge on December 9, 2008 clearly advised that the parties shall register their appearance for the administrative hearing by calling the Office of Administrative Hearings 10 minutes before the scheduled hearing time at 509-456-3975 or 1-800-366-0955. This written instruction was bolded to emphasize its importance. Even though the Licensee did not comply with this instruction, the undersigned Administrative Law Judge attempted to telephone the Licensee at the only telephone number listed for the Licensee in the hearing file. The Licensee did not answer. The State of Washington and the Board's Enforcement Division committed significant resources to the hearing, and the Board's Enforcement Division fully complied with the instructions set forth in the Prehearing Conference Order. It is the conclusion of the undersigned that the Licensee has failed to show the existence of any facts which would have prevented a reasonably prudent person from appearing for the administrative hearing scheduled for February 3, 2009. This tribunal therefore concludes that the Initial Order of Default entered on February 5, 2009 should be affirmed.

BASED UPON THE FOREGOING, and pursuant to RCW 34.05.440,

The Initial Order of Default entered in this matter on February 5, 2009 is hereby
AFFIRMED.

Dated at Spokane, Washington this 8th day of April, 2009.

WASHINGTON STATE OFFICE OF ADMINISTRATIVE HEARINGS



Edward S. Steinmetz
Administrative Law Judge
Office of Administrative Hearings
221 N. Wall St., Suite 540
Spokane, WA 99201-0826
Phone (Toll Free): 1-800-366-0955

Order Affirming Initial Order of Default Mailed to:

GLJT Corporation
(Gregg Phillips, President)
dba Mr. G's Bar & Grill
701 S Felts Road
Spokane Valley, WA 99206

Gordon Karg
Assistant Attorney General
Office of the Attorney General
1125 Washington Street SE
MS 40100
Olympia, WA 98504-0100